

AMENDED IN SENATE APRIL 30, 2002

AMENDED IN SENATE APRIL 22, 2002

SENATE BILL

No. 1503

Introduced by Senator Ackerman

February 19, 2002

An act to amend Section 19630 of the Government Code, relating to state employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1503, as amended, Ackerman. State employment: civil service proceedings.

Existing law governing the state civil service requires that no person may bring a cause of action of any type, as specified, based on or related to any civil service law in this state, or the administration thereof, unless that action is commenced and served within one year after the cause of action first arose. ~~This bill would also apply this limitation to the state or any other legal entity bringing these actions.~~ Existing law also provides that a person bringing an action shall not be compensated for the time subsequent to the date when the cause of action arose unless the action is filed and served within 90 days after the cause arose.

~~This bill would, instead, require that a cause of action under these provisions be commenced and served within 90 days after the cause of action arose.~~ *apply the one-year limitation to the state or any other legal entity bringing these actions. This bill also would establish an exception to the one-year provision by requiring that an action or proceeding to reverse a final decision of the State Personnel Board for reinstatement or an award of back pay shall be filed and served within 90 days of that final decision.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19630 of the Government Code is
2 amended to read:
3 19630. No action or proceeding shall be brought by any
4 person, the state, or any other governmental entity having or
5 claiming to have a cause of action or complaint or ground for
6 issuance of any complaint, *writ*, or legal remedy for wrongs or
7 grievances based on or related to any civil service law in this state,
8 or the administration thereof, unless that action or proceeding is
9 commenced and served within ~~90 days~~ *one year* after the cause of
10 action or complaint or ground for issuance of any writ or legal
11 remedy first arose-, *except that an action or proceeding to reverse*
12 *a final decision of the State Personnel Board for reinstatement or*
13 *an award of back pay shall be filed and served within 90 days of*
14 *that final decision. The person may not be compensated for the*
15 *time subsequent to the date when the cause or ground arose, unless*
16 *that action or proceeding is filed and served within 90 days after*
17 *the cause or ground arose. Where a petition for writ of mandate*
18 *an appeal* is taken from a decision of the board, the cause of action
19 ~~shall~~ *does* not arise until the final decision of the board *has been*
20 *issued.*
21 This section shall not be applicable to any action or proceeding
22 for the collection of salary or wage, the amount of which is not
23 disputed by the state agency owing that salary or wage.

